

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JA BALPUR

Original Application No. 513 of 2005

Jabalpur this the 29th day of March, 2006.

Hon'ble Dr.G.C.Srivastava,Vice Chairman
Hon'ble Mr. G.Shanthappa, Judicial Member

Nitin Bhawsar, S/o. Shri Vishnu
Bhawsar, Date of Birth – 4.12.1968,
R/o. Branch Post Master, Branch
Office, Dakatya, S.O- Mangliya,
Distt. Indore.

-Applicant

(By Advocate – Shri S. Paul)

VERSUS

1. Union of India, through its Secretary, Ministry of
Communication, Deptt. of Post, New Delhi.

2. The Chief Post Master General, M.P.Circle,
Hoshangabad Road, Bhopal.

3. The Director of Postal Services,
Indore Region, Indore.

4. Superintendent of Post Offices,
Mofussil Division, Indore.

5. The Assistant Superintendent of Post Offices,
Indore Sub-Division, Indore (M.P.)

6. Chief Post Master General,
Indore Region, Indore.

Respondents

(By Advocate – Shri A.P. Khare)

ORDER(Oral)

By.G.Shanthappa,JM.-

The above Original Application is filed under Section 19 of the Administrative Tribunals Act,1985, seeking the following main relief :-

“(ii) Set aside the termination order dated 4.12.2003 (Annexure-A-1.

(iii) Consequently command the respondents to reinstate the applicant with full back wages and other consequential benefits as if the impugned termination order is never passed.

(vi) Set aside the order dated 31.3.2004.”

2. While arguing the case, the learned counsel for the applicant has submitted that the applicant had submitted an appeal memo as per Annexure-A-3 dated2.2004 challenging the order of termination. The learned counsel for the respondents has also submitted that the said appeal has been decided and rejected vide order dated 31.3.2004 (Annexure-R-8).

3. We have carefully examined the submissions of the learned counsel of both sides.

4. The respondents have placed on record, a copy of the common order dated 29.4.2005 passed by this Tribunal in OA Nos. 18, 910 & 1111 of 2004, as Annexure-R-9, wherein a similar issue, as has been raised in this OA, has been decided. The learned counsel for the applicant has submitted that the aforesaid order dated 29.4.2005 passed by this Tribunal was challenged before the Hon'ble High Court of Madhya Pradesh in a writ petition; he had argued the case before the Hon'ble High Court; and the said writ petition has been dismissed by the Hon'ble High Court by confirming the aforesaid order of this Tribunal.

5. Without going to the factual things, since the issue raised in this OA has already been decided by this Tribunal in



aforementioned similar cases, the same has been confirmed by the Hon'ble High Court, the said judgment is applicable to the present OA. The result of the said OAs was that the relief was not granted and the OAs were dismissed. Accordingly, in the present OA relief sought by the applicant cannot be granted.

6. In the result, for the reasons stated above, the OA is dismissed, without any order as to costs.


(G. Shanthappa)
Judicial Member


(Dr. G. C. Srivastava)
Vice Chairman

"SA"

पृष्ठांकन सं. ओ/न्या.....
पटिलिपि
(1) रजिस्ट्रार,
(2)
(3) प्रत्यक्ष,
(4) कार्यपालक,
सूचना एवं आवश्यक कार्यवाही हेतु

S. Paul Adv 288
A. P. Khare Adv 238

3141 only
रजिस्ट्रार

Issued
3.4.06